

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BIO-RAD LABORATORIES, INC., THE
UNIVERSITY OF CHICAGO, LAWRENCE
LIVERMORE NATIONAL SECURITY, LLC,
and PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiffs,

v.

STILLA TECHNOLOGIES, INC., and STILLA
TECHNOLOGIES,

Defendants.

Civil Action No. 1:19-cv-11587-WGY

JURY TRIAL DEMANDED

BIO-RAD LABORATORIES, INC., and
PRESIDENT AND FELLOWS OF HARVARD
LABORATORIES,

Plaintiffs and Counterclaim
Defendants,

v.

10X GENOMICS, INC.,

Defendant and Counterclaim
Plaintiff.

Civil Action No. 1:19-cv-12533-WGY

JURY TRIAL DEMANDED

UNOPPOSED MOTION TO MODIFY STAY

Plaintiffs Bio-Rad Laboratories, Inc. (“Bio-Rad”), The University Of Chicago, Lawrence Livermore National Security, LLC (collectively, “Moving Plaintiffs”), and Defendants Stilla Technologies, Inc and Stilla Technologies (“Stilla”) request the following modification and clarification to the stay ordered by the Court.

On March 23, 2020, the Court granted Stilla's motion for a stay due to COVID-19 for 90 days beginning on April 3, 2020. D.I. 92, C.A. No. 1:19-cv-11587-WGY. The parties' opening claim construction briefs are currently due on April 2, 2020. During a hearing on March 25, 2020 in the *Bio-Rad v. 10X* litigation (Civil Action No. 19-cv-12533-WGY), the Court clarified that the stay ordered in the *Bio-Rad v. Stilla* litigation was applied to the coordinated *Bio-Rad v. 10X* litigation.

In order to provide for the most efficient use of the parties' resources, Moving Plaintiffs and Stilla request that the Court modify or clarify the stay for both the *Bio-Rad v. Stilla* and *Bio-Rad v. 10X* litigations as follows:

- The stay begins on March 30, 2020, and
- The parties' opening claim construction briefs will be due the first business day three weeks after the stay is lifted as calculated under Fed. R. Civ. P. 6(a).

Counsel for Bio-Rad conferred with counsel for 10X and President And Fellows Of Harvard College ("Harvard"), and they do not oppose this motion.

Dated: March 30th, 2020

Respectfully submitted,

/s/ Garland Stephens

WEIL, GOTSHAL & MANGES LLP

Garland Stephens (admitted *pro hac vice*)
Justin L. Constant (admitted *pro hac vice*)
700 Louisiana Street, Suite 1700
Houston, TX 77002
(713) 546-5011
(713) 546-5000
garland.stephens@weil.com
justin.constant@weil.com

Derek C. Walter (admitted *pro hac vice*)
Edward R. Reines (admitted *pro hac vice*)
Prachi Mehta (admitted *pro hac vice*)
201 Redwood Shores Parkway
Redwood Shores, CA 94065
(650) 802-3934
(650) 802-3022
(650) 802-3015
derek.walter@weil.com
edward.reines@weil.com
prachi.mehta@weil.com

Eric S. Hochstadt (admitted *pro hac vice*)
767 Fifth Avenue
New York, NY 10153
(212) 310-8583
eric.hochstadt@weil.com

Audra Sawyer (admitted *pro hac vice*)
2001 M Street NW, Suite 600
Washington, DC 20036
(202) 682-7274
audra.sawyer@weil.com

BIRNBAUM & GODKIN, LLP

David S. Godkin (BBO # 196530)
James E. Kruzer (BBO #670827)
280 Summer Street
Boston, MA 02210
(617) 307-6110
(617) 307-6131
godkin@birnbaumgodkin.com
kruzer@birnbaumgodkin.com

Attorneys for Plaintiffs

*Bio-Rad Laboratories, Inc., the University of
Chicago, Lawrence Livermore National
Security, LLC, and President and Fellows of
Harvard College*

FOLEY & LARDNER LLP

Geoffrey M. Raux (BBO# 674788)
Ruben J. Rodrigues (BBO# 676573)
Michael J. Tuteur (BBO# 543780)
111 Huntington Avenue
Boston, MA 02199-7610
(617) 502-3284
(617) 342-4000
graux@foley.com
rrodrigues@foley.com
mtuteur@foley.com

*Counsel for President And Fellows Of
Harvard College*

/s/ Whitney A. Reichel

Whitney A. Reichel (BBO #663599)
Elizabeth G.H. Ranks (BBO #693679)
Qiuyi Wu (BBO #704069)
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02210-1878
wreichel@fr.com
liz.ranks@fr.com
qwu@fr.com
(617) 542-5070 Telephone
(617) 542-8906 Facsimile

Juanita R. Brooks (Pro Hac Vice)
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
brooks@fr.com
(858) 678-5070 Telephone
(858) 678-5099 Facsimile

*Attorneys for Defendants
Stilla Technologies, Inc. and
Stilla Technologies*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Counsel for Plaintiff Bio-Rad Laboratories, Inc. hereby certifies that the parties conferred on March 27th, 2020 regarding the filing of this motion. 10X and Harvard do not oppose the motion.

/s/ Garland Stephens

Garland Stephens

CERTIFICATE OF SERVICE

I hereby certify that on this the 30th day of March 2020, I electronically filed the foregoing **BIO-RAD AND STILLA'S UNOPPOSED MOTION TO MODIFY STAY** with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorneys of record in this case.

/s/ Garland Stephens

Garland Stephens